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FACSIMILE TRANSMITTAL

TO:	FROM:
Name: Mail Stop AMENDMENT Group Art Unit 3764/Examiner M. Brown	Name: Thomas H. Martin, Esq.
Firm: U.S. Patent & Trademark Office	Phone No.: 330-877-2277
Fax No.: 571-273-8300	No. of Pages (including this): 14
Subject: U.S. Patent Application No. 09/497,590 Gary Karlin Michelson Filed: June 6, 2000 APPARATUS INCLUDING A GUARD MEMBER HAVING A PASSAGE WITH A NON-CIRCULAR CROSS SECTION FOR PROVIDING PROTECTED ACCESS TO THE SPINE (as amended) Attorney Docket No. 101.0044-03000 Customer No. 22882 Confirmation No.: 7688	Date: January 30, 2007 Confirmation Copy to Follow: NO

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate; total amount of \$570.00 to cover the third-month extension fee is to be charged to Deposit Account No. 50-3726) and Supplemental Amendment are being facsimile transmitted to the U.S. Patent and Trademark Office on January 30, 2007.


Sandra L. Blackmon

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FORM PTO-1083

Attorney Docket No.: 101.0044-03000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary Karlin Michelson, M.D.

Serial No: 09/497,590

Filed: June 6, 2000

For: APPARATUS INCLUDING A GUARD MEMBER
HAVING A PASSAGE WITH A NON-CIRCULAR
CROSS SECTION FOR PROVIDING PROTECTED
ACCESS TO THE SPINE (as amended)

Confirmation No.: 7688

Art Unit: 3764

Examiner: Michael Brown

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JAN 30 2007Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Further to the Amendment filed January 17, 2007, transmitted herewith is a Supplemental Amendment in reply to the August 28, 2006 Office Action in the above-identified application.

☐ No additional fee is required.☒ Applicant hereby requests a third-month extension of time to respond to the above office action (noting that a two-month extension was previously requested on January 17, 2007).

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR		(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	78	-	85	**	0	LG=\$50 SM=\$25	\$50	\$ 0
INDEPENDENT CLAIMS FEE	2	-	3	***	0	LG=\$200 SM=\$100	\$200	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS						LARGE ENTITY FEE = \$280 SMALL ENTITY FEE = \$140		\$ 0
TOTAL								\$ 0

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

☒ A fee in the amount of \$570.00 to cover the third-month extension fee is to be charged to Deposit Account No. 50-3726.☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims☒ Any patent application processing fees under 37 C.F.R. § 1.17Respectfully submitted,
MARTIN & FERRARO, LLP

Date: January 30, 2007

By: 

Thomas H. Martin

Registration No. 34,383

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Hartville, Ohio 44632
Telephone: 330-877-0700
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PATENT
Attorney Docket No. 101.0044-03000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 30 2007

In re Application of:)	Confirmation No.: 7688
Gary Karlin Michelson)	
Serial No.: 09/497,590)	Group Art Unit: 3764
Filed: June 6, 2000)	Examiner: Michael Brown
For: APPARATUS INCLUDING A GUARD)	
MEMBER HAVING A PASSAGE)	
WITH A NON-CIRCULAR CROSS)	
SECTION FOR PROVIDING)	
PROTECTED ACCESS TO THE)	
SPINE (as amended))	

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL AMENDMENT

In reply to the Office Action of August 28, 2006, the period for reply having been extended for a third month by a request for extension and fee payment filed concurrently herewith (noting that a two-month extension was previously requested), please amend the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 10 of this paper.

01/31/2007 SFELEKE1 00000040 503726 09497590

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Amendment 1-30-07.doc